

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)
)
David Byron Pierce) CASE NO.: 07-11839 NLJ
Hollie Dean Pierce,)
)
DEBTORS.) CHAPTER 13
SS#: xxx-xx-7154)
SS#: xxx-xx-8314)

MOTION TO MODIFY CHAPTER 13 PLAN

COME NOW the Debtors, David and Hollie Pierce, by and through their attorney of record, Deborah L. Brooks, and hereby move this Court to modify the Chapter 13 Plan herein which was previously confirmed by this Court. In support thereof, the Debtors state:

1. On May 31, 2007, the Debtors commenced these bankruptcy proceedings with the filing of their Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code.

2. On August 23, 2007, this Court entered its Order Confirming the Debtors' Chapter 13 Plan.

3. The Debtors current address is: 6508 NW 109th, OKC, OK 73162.

4. Since the time the Plan was confirmed, the Debtors have fallen behind in their plan payments due to a reduction in monthly income. Mr. Pierce is a sales manager at an auto dealership and commissions have decreased significantly due to the economy. The Debtors believe they can make increased payments to cure the arrearage due to the fact that Mr. Pierce's child support obligation of \$550.00 per month ends this summer. The Debtors request they be allowed to increase their monthly plan payment to cure the arrears over the remainder of the plan term.

WHEREFORE, Debtors pray that this Court modify the Chapter 13 Plan herein specifically and solely as follows:

1. To allow the Debtors to be treated as current through May 2009;
2. To allow the Debtors to increase their plan payment from \$3,632.00 per month to \$4,068.00 per month beginning with the June 2009 payment and continuing for the remainder of the plan term;
3. To allow attorney fees of \$350.00 to be paid to Deborah Brooks and Associates, P.C., at the rate of \$75.00 per month, for presentation of this Motion.

These modifications will not reduce the percentage paid to unsecured creditors or extend the Plan term beyond sixty (60) months.

Respectfully submitted this 11th day of May, 2009.

DEBORAH BROOKS & ASSOCIATES, P.C.

/s/ Deborah L. Brooks
Deborah L. Brooks, OBA #015684
5500 N. Western, Suite 130
Oklahoma City, Oklahoma 73118
(405) 840-6363

ATTORNEY FOR DEBTORS

NOTICE OF TIME FOR RESPONSE

Notice is hereby given that any objection to the above and foregoing instrument must be filed and served upon the movant within twenty (20) days after service of said motion.

If no objection to said motion is timely filed and served, an Order may be presented to the Court for approval.

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of May, 2009, a true and correct copy of the *Motion To Modify Chapter 13 Plan* with Debtors complete social security number was electronically served using CM/ECF system, namely:

Trustee: John Hardeman

Further, I certify that on the 12th day of May, 2009, copies of the *Motion To Modify Chapter 13 Plan* with Debtors complete social security number were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following at the addresses shown below/or on attached matrix:

/s/ Deborah L. Brooks
Deborah L. Brooks

American Honda Finance
PO Box 168008
Irving, TX 75016

Brice Vander
Linden & Wernick PC
PO Box 829009
Suite 350
Dallas, TX 75382

HSBC
Best Buy
PO Box 60148
City Of Industry, CA 91716

Litton Loan Co
4828 Loop Central Drive
Houston, TX 77081

Litton Loan Servicing LLP
PO Box 829009
Dallas, TX 75382-9009

Love Beal & Nixon PC
PO Box 32738
OKC, OK 73123

Rosicke, Rosicke & Associates
51 E Bethpage Road
Plainview, NY 11803

Shapiro & Cejda
770 NE 63rd Street
Oklahoma City, OK 73105

Wells Fargo/HomEQ Services
PO Box 13716
Sacramento, CA 95853

David and Hollie Pierce
6508 NW 109th
OKC, OK 73162